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Counsel for Defendant ARIAS-ORDONEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 07-00738 MMC
)	
Plaintiff,)	DEFENDANT ARIAS-ORDONEZ' SECOND
)	SUPPLEMENTAL SUBMISSION IN
v.)	SUPPORT OF MOTION TO DISMISS
)	INDICTMENT
)	
)	Date: May 28, 2008
NOE ARIAS-ORDONEZ,)	Time: 2:30 p.m.
)	Court: Hon. Maxine M. Chesney
)	
Defendant.)	

At the last proceeding on May 7, 2008, this Court requested that the parties submit supplemental declarations on the following issue:

- Had Mr. Arias-Ordonez been told that he had a right to voluntary departure, would he likely have accepted it? If so, why? Please provide the Court with additional facts regarding the way the hearing was likely to have progressed, including how voluntary departure would have been raised and whether the benefits to voluntary departure

1 would have been discussed with Mr. Arias-Ordonez.

2 In response to the Court's inquiry, Mr. Arias-Ordonez hereby submits the declaration of Angela
3 Bean, attached hereto as Exhibit A. Mr. Arias-Ordonez respectfully requests the Court to consider
4 all the factual representations and expert opinions contained therein in support of his motion to
5 dismiss the indictment.
6

7 **CONCLUSION**
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9 For all the reasons discussed in the motion, reply brief, supplemental motion, supplemental
10 reply, in consideration of the declarations and attachments to said motions and all the arguments
11 presented at the April 2, 2008 and May 7, 2008 hearing, Mr. Arias-Ordonez requests this Court to
12 grant his motion to dismiss the indictment.
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15 Dated: May 14, 2008

Respectfully submitted,
BARRY J. PORTMAN
Federal Public Defender
/S/
ELIZABETH M. FALK
Assistant Federal Public Defender
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